

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE INITIATING REORGANIZATION PROCEEDINGS FOR THE ANNEXATION AND DETACHMENT OF CERTAIN INHABITED TERRITORY DESIGNATED AS STORY NO. 61, DESCRIBED MORE PARTICULARLY HEREIN, AND SETTING THE DATE, TIME AND PLACE FOR CONSIDERATION OF SUCH REORGANIZATION

WHEREAS, the City of San José desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, as the same may be amended from time to time, of the annexation to the City of San José of certain territory comprising unincorporated islands of County jurisdiction substantially surrounded by City and the detachment of the same from the Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service Districts; and

WHEREAS, this proposal includes an annexation to the City of San José of certain unincorporated territory comprising unincorporated islands of County jurisdiction substantially surrounded by City and within the urban service area of City described herein and located in the County of Santa Clara and is not subject to review by the Local Agency Formation Commission as provided under Section 56757 of the California Government Code; and

WHEREAS, such unincorporated territory is known by the short form designation of "**Story No. 61,**" and a map showing the location of such territory is attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the subject real property, comprising 3.21 ± acres located on the north side of Story Road, approximately 780 feet westerly of Machado Lane, San Jose (4 parcels, more specifically identified in Exhibit "A"), is contiguous to the City of San José and is within its urban service area; and

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WHEREAS, the area of the subject property does not exceed one hundred fifty (150) acres in size and the subject property constitutes an island of unincorporated County jurisdiction within City limits that is surrounded by or substantially surrounded by City jurisdiction; and

WHEREAS, the subject property is not a gated community where urban services are provided by a community service district; and

WHEREAS, the subject property is substantially developed in that single family residences are currently located on the property; and

WHEREAS, the subject property is not prime agricultural land under the provisions of California Government Code Section 56064; and

WHEREAS, the subject property currently is receiving or will receive the following benefits from the City, to wit: all municipal services, not limited to (street maintenance, street light, law enforcement, sanitary sewer, code enforcement, street sweeping, garbage collection, fire protection; and

WHEREAS, the following special districts would be affected by the proposed annexation: Central Fire Protection, County Lighting, West Valley Sanitation, and Area No. 01 (Library Services) County Service; and

WHEREAS, annexation would provide for the use of City services; and

WHEREAS, this unincorporated territory was rezoned by City on December 12, 2006 to the City of San José rezoning designation of R-1-RR Single-Family Residence Zoning District as to approximately 3.21 gross acres; and

WHEREAS, the City of San José is the Lead Agency for environmental review for the reorganization known as "**Story No. 61**" under the California Environmental Quality Act of 1970, as amended ("CEQA"); and

WHEREAS, the environmental impacts of this project were addressed by a Final EIR entitled, "San Jose 2020 General Plan," and findings were adopted by City Council Resolution No 65459 said Environmental Impact Report became final on August 16, 1994, and this Council has considered and approved said Environmental Impact Report, prior to taking any adoption actions on this Resolution; and

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WHEREAS, the County Surveyor of Santa Clara County has found the map of the subject property (Exhibit "A") to be in accordance with California Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with the County's Local Agency Formation Commission's road annexation policies; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City of San José shall be the conducting authority for a reorganization including an annexation to the City, and the City Council by this resolution is proposing the reorganization described in this Resolution; and

WHEREAS, as the unincorporated territory is inhabited and all owners of land included in this proposal have not consented to this annexation; and

WHEREAS, this proposal is consistent with the sphere of influence of the City of San José; and

WHEREAS, it is anticipated that the proposed reorganization will be recommended to be subject to the following terms and conditions: none; and

WHEREAS, the reason for the proposed reorganization is as follows: to eliminate an urban pocket.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

That the City Council hereby initiates proceedings for the proposed reorganization of the designated unincorporated island territory described herein pursuant to Sections 56757 and 56375.3 of the California Government Code without protest or election proceedings and sets April 7, 2009 at 7:00 p.m., in the Council Chambers at City Hall, located at 200 East Santa Clara Street, San José, California, as

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the date, time and place for consideration of such reorganization. This Council is hereby designated as the conducting authority of said proceedings.

ADOPTED this day of , 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

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CC Agenda: 03-17-09
Item No. 2.4(b)
539473

October 19, 2006
HMH 3521-00-702
Page 1 of 2**EXHIBIT "A"**
ANNEXATION TO THE CITY OF SAN JOSE
STORY No. 61

REAL PROPERTY in the County of Santa Clara, State of California, being all of Lot 4 as shown on that certain map of Tract 530 filed for record on September 8, 1948, in Book 20 of Maps, page 19; all of Parcel One as described in the deed recorded April 22, 2004, in Document No. 17737486 of Official Records; all of the 1.31 acre parcel of land as shown on that certain Record of Survey filed for record on October 29, 1948, in Book 19 of Maps, page 40; and a portion of Parcel Two as described in the deed recorded January 19, 2001, in Document No. 15531354 of Official Records; all of Santa Clara County Records, more particularly described as follows:

BEGINNING at the most easterly corner of City of San Jose's Annexation Story No. 22, being on the centerline of Watters Drive (60 feet wide);

Thence along said centerline, also being the southeasterly City Limits Line of the City of San Jose as established by said City's Annexation Story No. 22, South 29°17'08" West, 200.16 feet, to the northeasterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 52;

Thence along said northeasterly City Limits Line, South 63°12'52" East, 30.03 feet, to the southeasterly line of said Watters Drive, also being the southeasterly City Limits Line of the City of San Jose as established by said City's Annexations Story No. 52;

Thence along said southeasterly City Limits Line and along southeasterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 17, South 29°17'08" West, 238.90 feet, to the general northerly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 11;

Thence along said northerly City Limits Line and along the northwesterly City Limits Line of the City of San Jose as established by said City's Annexation Story No. 11, the following seven courses:

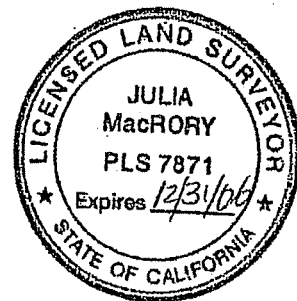
1. Thence South 64°25'19" East, 83.65 feet;
2. Thence North 68°22'49" East, 237.00 feet;
3. Thence South 51°13'47" East, 181.60 feet, to the northwesterly line of Story Road;
4. Thence along said northwesterly line, North 62°45'02" East, 98.32 feet;
5. Thence continuing along said northwesterly line, North 49°51'30" East, 19.34 feet;
6. Thence South 63°12'52" East, 10.87 feet, to the northwesterly line of Story Road;
7. Thence along said northwesterly line, North 49°51'30" East, 42.36 feet, to the southwesterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 15;

Thence along said southwesterly City Limits Line, North 63°12'52" West, 186.56 feet, to the northwesterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 15;

Thence along said northwesterly City Limits Line and along the northwesterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 11, North 49°51'30" East, 175.00 feet, to the southwesterly City Limits Line of the City of San Jose as established by the City's Annexation Story No. 1-B;

Thence along said southwesterly City Limits Line, North 63°12'52" West, 404.30 feet, to the POINT OF BEGINNING.

Containing 3.21 acres, more or less.

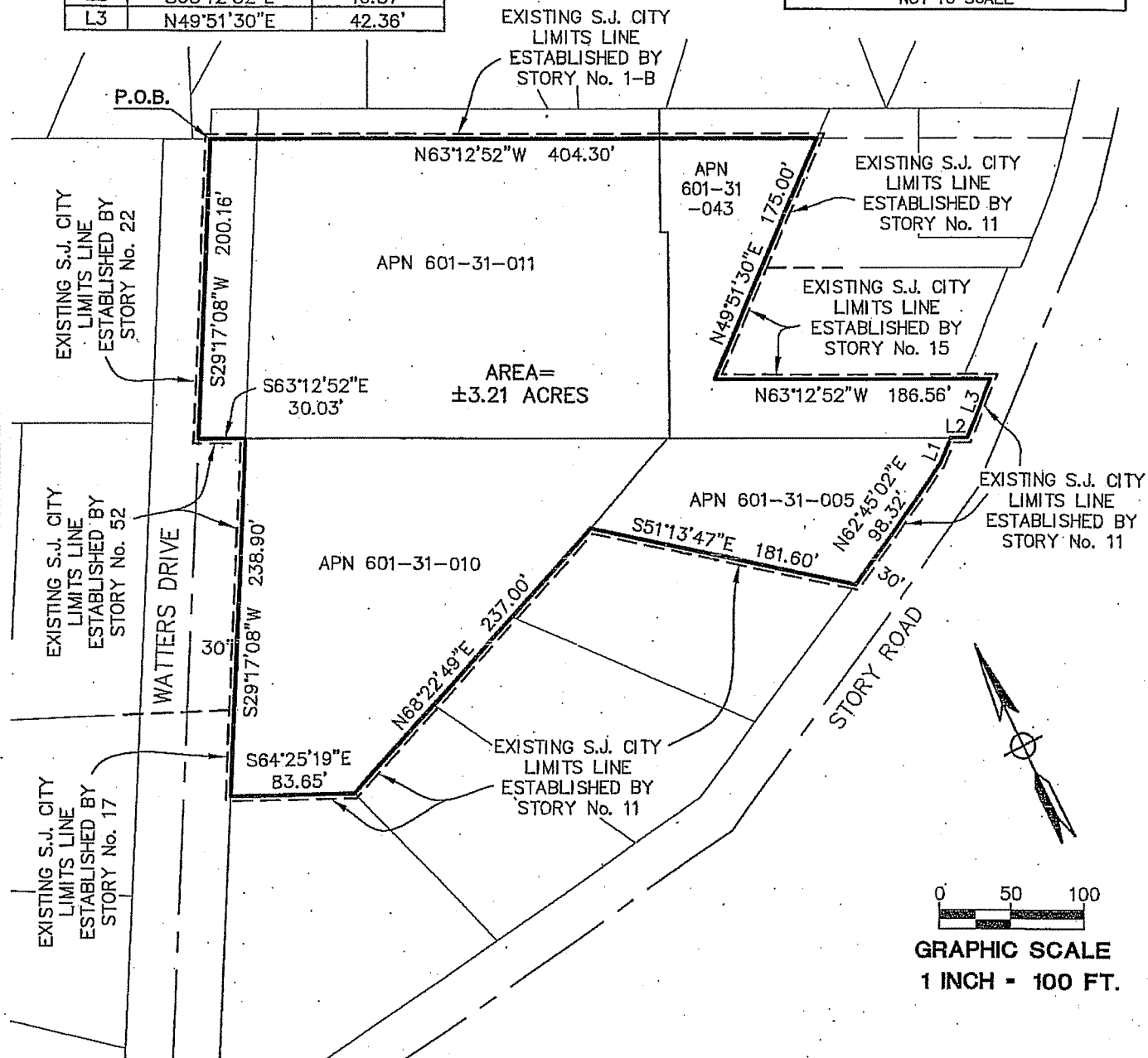
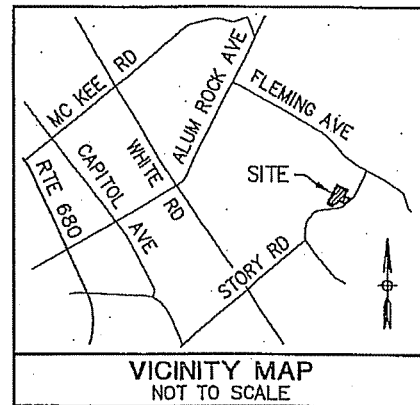


Julia MacRory

LEGEND

- PROPOSED ANNEXATION BOUNDARY LINE
- EXISTING SAN JOSE CITY LIMITS LINE
- APN ASSESSOR PARCEL NUMBER PER 2004-2005 ASSESSOR MAP

LINE	BEARING	DISTANCE
L1	N49°51'30"E	19.34'
L2	S63°12'52"E	10.87'
L3	N49°51'30"E	42.36'



SHEET 1 OF 1

Date: 9-15-06
 Scale: 1" = 100'
 Designed: -
 Drawn: TG
 Checked: JM
 Proj. Engr: -
 Dwg Name: 3521PL06

HMH
ENGINEERS

San Jose
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 Gilroy
 (408) 848-0707

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Plat to accompany description:
 PROPOSED ANNEXATION TO THE CITY OF SAN JOSE
 STORY No. 61

SAN JOSE

CALIFORNIA

20060915.1416